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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,041	09/29/2003	John Harvey	020366D1	2581
23696 7590 10/31/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER MARC, MCDIEUNEL	
			ART UNIT 3664	PAPER NUMBER
			NOTIFICATION DATE 10/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com
kscanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary

Application No.

10/674,041

Applicant(s)

HARVEY ET AL.

Examiner

McDieunel Marc

Art Unit

3664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 20-55 are pending for examination.
2. The abstract of the disclosure is objected to because the title should be deleted on top of the page that contains the abstract. Correction is required. See MPEP § 608.01(b).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 20-55 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24 and 30 of copending Application No.

10217393. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of this application are broader than the claims of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 20-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Autermann and Murphy** in view of **Tamir**.

As per claims 20, 31, 32, 43, 44 and 55, Autermann (U.S. Pat. No. 6,232,874) teaches substantially a system and an associated method at a vehicle location for validating a vehicle operator to operate selected functions of a vehicle, comprising: an input device for entry of vehicle operator identification information (see col. 3, lines 56-57); a transceiver for transmitting said vehicle operator identification information to a remote location for validation and receiving from said remote location (see col. 1, lines 43-56; col. 2, lines 23-38; and col. 4, lines 56-65); Autermann does not explicitly disclose a reply message specifying which of said selected functions the operator is validated to operate; and means for enabling said selected functions specified by said reply message.

However, Autermann teaches the capability of storing the user id with preset function according to the user's id (see col. 1, lines 63-67; and col. 11, lines 1-22), and sending the reply message with the preset function to the vehicle from the central station (see col. 4, lines 55-67) and Murphy teaches the capability of associating the user's id with certain functions permitted to the user (see col. 10, lines 6-1-67 and lines col. 11, lines 1-22), Murphy further suggests allowing the revise the selected vehicle function from a remote location (see col. 14, lines 25-47, and lines 57-63); further, Tamir teaches performing validation at the local user's device and transmitting only the validation message to the central station (see section 0119); and with respect to claims 31, 43 and 55, specifying a time during which the vehicle may be operated (see Murphy's col. 15, lines 10-33).

It would have been obvious to a person ordinary skill in the art at the time of the invention was made to store at the central station taught by Autermann the user's permitted

operation functions with the capability to revise the functions at the remote location by Murphy in association with the user id, and to include in the message transmitted to the remote station validation information as taught by Tamir in order to relieve the central station from verification processes and to allow the central station to select permitted function according to the user's identification.

As per claims 21, 33 and 46, wherein said selected functions comprise flashing a headlight of said vehicle being considered blatantly as well known limitation the art of vehicle. For instance, the flashing of a headlight can be temporarily or continuously depends on the required conditions.

As per claims 22, 34 and 47, wherein said selected functions comprise flashing a tail light of said vehicle being considered blatantly as well known limitation the art of vehicle as stated above. For instance, the flashing of a taillight can be an emergency signal or any kind of indicator depends on the required conditions.

As per claims 23, 35 and 48, wherein said selected functions comprise flashing a vehicle interior light of said vehicle being considered blatantly as well known limitation the art of vehicle as stated above. For instance, the flashing of an interior light can be temporarily, continuously, indicating a malfunction of the vehicle or for just shading light depends on the required conditions.

As per claims 24, 36 and 45, wherein selected functions comprise sounding a horn of said vehicle being considered blatantly as well known limitation the art of vehicle as stated above. ○

For instance, the sounding of horn can be temporarily or continuously depends on the required conditions.

As per claims 25-27, 37-39 and 49-51, wherein said selected functions comprise impairing operation of a vehicle associated with said apparatus; wherein said impairing operation of said vehicle comprises preventing said vehicle from starting and wherein said impairing operation of said vehicle comprises disabling a vehicle ignition system being considered blatantly as well known limitation the art of vehicle as stated above. For instance, impairing the operation of a vehicle can be temporarily or continuously depends on the required conditions.

As per claims 28, 40 and 52, wherein said selected functions comprise impairing a fuel system of said vehicle being considered blatantly as well known limitation the art of vehicle as stated above.

As per claims 29, 41 and 53, wherein said impairing operation of said vehicle comprises impairing a vehicle transmission being considered blatantly as well known limitation the art of vehicle as stated above.

As per claims 30, 42 and 54, wherein said impairing a vehicle transmission comprises limiting the number of gears that may be used during operation of said vehicle being considered blatantly as well known limitation the art of vehicle as stated above.

Note: The limitations of dependent claims 21-30, 33-42, 46-51, 53 and 54 do not have any patentable weight, since they have been considered blatantly well known in the art of vehicle without excluding aircraft and boat art.

Application/Control Number:
10/674,041
Art Unit: 3664

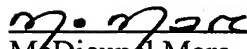
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (571) 272-6964.

The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


McDieunel Marc
Examiner
Art Unit 3664


THOMAS BLACK
SUPERVISORY PATENT EXAMINER

Monday, October 22, 2007

MM/